

Notice of Allowability

Application No.

10/782,691

Examiner

KUEN S. LU

Applicant(s)

HASSAN ET AL.

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE/Amendment filed October 10, 2008.
2. ☒ The allowed claim(s) is/are 26-27 and 33-41 (renumbered to 1-24).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12/1/2008.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Kuen S Lu/
Primary Examiner, Art Unit 2169

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

2. The Action is responsive to Applicant's Amendment filed October 9, 2008.

3. In the Amendment, Applicant added new claim 41.

4. After a thorough search and examination of the present application, and in light of the following:

Prior art made of record;

Examiner's Amendments made December 1, 2008 that was authorized to amend claim 26, 33 and 41; and

An update search on prior art conducted in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc);

Claims 26-27 and 33-41 (renumbered to 1-11) are allowed.

Examiner's Amendments

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. This Examiner's Amendments as listed below was authorized on December 1, 2008 in a telephone interview with Mr. Joseph M. Sauer (Registration Number 47,919) and some additional amendments were made by the Examiner for making a consistent scope of subject matter among independent claims.

5.1. Please amend claims 26, 33 and 41 as follows:

26. (Currently Amended) In a system having a server that is operable to communicate with a mobile device over a wireless network, the server including a server application database for storing copies of data items that are transmitted to the mobile device and the mobile device including a memory subsystem for storing data items on the mobile device, a memory management method comprising:

determining that additional memory space is needed on the mobile device;

if additional memory space is needed, then communicating with the server over the wireless network to determine if a copy of one or more data items are stored in the server application database, and if copies of the one or more data items are stored in the server application database, then deleting the one or more data items from the memory subsystem in the mobile device to create additional memory space,

whereby the mobile device verifies that copies of one or more data items are stored in the server application database before the one or more data items are deleted from the memory subsystem to create additional memory space on the mobile device;

wherein a list of one or more data items identified in the server application database is received from the server application database in order to determine if copies of the one or more data items are stored in the server application database, and wherein data items included in the list are deleted before data items that are not included in the list.

33. (Currently Amended) In a system having a server that is operable to communicate with a mobile device over a wireless network, the server including a server application database for storing copies of data items that are transmitted to the mobile device and the mobile device including a memory subsystem for storing data items on the mobile device, the mobile device comprising:

a local application database for storing data items for one or more software applications;

a communication subsystem configured to transmit and receive data over the wireless network;

a memory management system configured to determine that additional memory space is needed in the local application database, and in response cause the communication subsystem to communicate with the server over the wireless network to determine if a copy of one or more data items are stored in the server application database,

the memory management system being further configured to delete the one or more data items from the local application database if copies of the one or more data items are stored in the server application database;

whereby the memory management system verifies that copies of one or more data items are stored in the server application database before the one or more data items are deleted from the local application database to create additional memory space;

wherein a list of one or more data items identified in the server application database is received from the server application database in order to determine if copies of the one or more data items are stored in the server application database, and wherein data items included in the list are deleted before data items that are not included in the list.

41. (Currently Amended) In a system having a server that is configured to communicate with a mobile device over a wireless network, the server including a server application database for storing copies of data items that are transmitted to the mobile device, the mobile device, comprising:

a local application database for storing data times for one or more software applications;

a communication subsystem configured to transmit and receive data over the wireless network; a remote search module configured to transmit a search request to the server, the search request including one or more search parameters that are used by the server to identify one or more copies of data items that are stored in the server application database;

the remote search module further configured to receive a search result from the server that identifies the one or more copies of data items and being further configured to include the one or more copies of data items in a list of data items identified in the server application database; and

a memory management system configured to determine that additional memory space is needed in the local application database, and in response identify one or more data items for deletion from the local application database;

the memory management system identifying the one or more data items for deletion by accessing the list of data items identified in the server application database and deleting data items included in the list before deleting data items that are not included in the list;

whereby the memory management system verifies that copies of the one or more data items are stored in the server application database before the one or more data items are deleted from the local application database to create additional memory space.

Reason for Allowable

6. The following is the Examiner's statement of reasons for allowance:

In the Examiner's Office Action, dated May 29, 2008, the Final Rejection under 35 U.S.C. § 103(a) rejections was made mainly based on the reference over Mendez: "SYSTEM AND METHOD FOR MERGING REMOTE AND LOCAL DATA IN A SINGLE USER INTERFACE", U.S. Patent Application Publication 2003/0097358, filed October 23, 2002 and published May 22, 2003; in view of Achiwa et al.: "METHOD AND

SYSTEM FOR FILE SPACE MANAGEMENT”, U.S. Patent Application Publication 2003/0110190, filed December 10, 2001 and published June 12, 2003, hereafter “Achiwa”.

In the response filed October 9, 2008, to the Office Action of October 9, 2008 , Assignee (Applicant) argued that Examiner respectfully submits that Achiwa copies file to storage server before deleting the copy at the client site (See [0054]) and establishing link of the deleted file to the storage server. Considering the deleted file needs to be referenced by the client site via a link pointing to storage server, Achiwa does ensure that a duplicate copy of the file is stored on the server prior to deleting the file from the client. Applicant further submits that even assuming arguendo that Achiwa's "symbolic link" could be somehow be interpreted as providing a determination that the data item is stored on the server, the Achiwa reference is clear that the "symbolic link" is created only after the file has already been deleted from the client. Accordingly, the Assignee maintains that the rejections of claims 26 and 33 in the Final Office Action are incorrect. Nonetheless, to make this distinction even more clear, claims 26 and 33 have been amended to clarify that the mobile device verifies that copies of the one or more data items are stored in the server application database before the one or more date items are deleted from the memory subsystem on the mobile device.

. Based on the above arguments and further based on an updated search result, Examiner is persuaded that Mendez or Mendez in view Achiwa does not fairly teach the

combined subject matter of **“whereby the memory management system verifies that copies of one or more data items are stored in the server application database before the one or more data items are deleted from the local application database to create additional memory space; and wherein a list of one or more data items identified in the server application database is received from the server application database in order to determine if copies of the one or more data items are stored in the server application database, and wherein data items included in the list are deleted before data items that are not included in the list”** as claimed in independent claims 26, 33 and 41.

An update search on prior art in domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) has been conducted. The prior art searched and investigated in the domains (EAST, NPL-ACM, Google, NPL-IEEE, etc) do not fairly teach or suggest teaching of the subject matter as described by the combined limitation in each of the independent claims 26, 33 and 41.

Claims (27) and (34-40) are directly or indirectly dependent upon the independent claims 26 and 33, respectively, and are also distinct from the prior arts for the same reason.

After a search and a thorough examination of the present Application and in light of the prior arts, Claims 26-27 and 33-41 (renumbered to 1-11) are allowed.

Conclusions

7. Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should You have questions on access to the Private PAIR system; contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Patent Examiner

December 6, 2008